



Federal Communications Commission
Washington, D.C. 20554

December 4, 2007

DA 07-4877

ACR Electronics, Inc.
5757 Ravenswood Road
Fort Lauderdale, FL 33312-6645
Attn: John F. Flood

RE: Standard Communications Pty. Ltd. FCC ID TXJMT401-FF

Dear Mr. Flood:

This is in response to your letter on behalf of ACR Electronics, Inc. (ACR) that we received May 1, 2007.¹ You request reconsideration of our letter dated April 17, 2007,² which concluded that the above-referenced emergency position indicating radiobeacon (EPIRB) manufactured by the GME Division of Standard Communications Pty. Ltd. (Standard Communications) complies with Section 80.1061(a) of the Commission's Rules³ and the relevant technical standards.⁴ Also before us is a response from Standard Communications.⁵ For the reasons set forth below, we dismiss your petition for reconsideration.

Our previous letter addressed your letter that we received August 21, 2006.⁶ You argued therein that because a single push button is used both to initiate a self-test and to manually activate the EPIRB, the Standard Communications EPIRB does not comply with the technical requirements that a distress alert be initiated only by a dedicated distress alert activator that is clearly indicated and protected against inadvertent operation, and that manual distress alert initiation require at least two independent actions. We concluded, however, that the ON/Test activation switch mechanism satisfies the technical requirements because the user accesses the button differently in each case: to perform the monthly test, the user opens the switch cover (marked "LIFT"), then pushes and releases the activation button (marked "TEST"); to initiate a distress alert, the user opens the switch cover, then moves a slider (marked "ON") over the activation button to hold the button down. In your latest letter, you reiterate your belief that using the same button both to initiate a self-test and to manually activate the EPIRB does not meet the

¹ Letter dated April 25, 2007 from John F. Flood, Vice President, Engineering, ACR Electronics Inc. to Scot Stone, Federal Communications Commission (Petition).

² Letter dated April 17, 2007 from Scot Stone, Deputy Chief, Mobility Division to ACR Electronics, Inc., 22 FCC Rcd 7316 (WTB MD 2007).

³ 47 C.F.R. § 80.1061(a).

⁴ See RTCM Paper 77-2002/SC110-STD, "RTCM Recommended Standards for 406 Emergency Position-Indicating Radiobeacons (EPIRBs), Version 2.1 dated June 20, 2002."

⁵ Letter dated May 10, 2007 from Craig Duncan, Project Engineering Manager, Standard Communications Pty. Ltd. to Scot Stone, Federal Communications Commission.

⁶ Letter dated Aug. 16, 2006 from John F. Flood, Vice President, Engineering, ACR Electronics Inc. to Tim Maguire, Federal Communications Commission.

requirement that the distress alert activator be protected against inadvertent operation, because “[t]he user can quite easily hold the test button down too long resulting in an inadvertent transmission of a distress message.”⁷

We dismiss the petition as procedurally and substantively defective. First, we note that the petition was filed in the wrong location. The Commission's Rules require that petitions for reconsideration be filed with the Office of the Secretary,⁸ and warn persons filing documents with the Commission that filings submitted to the wrong location will not be processed.⁹ We therefore dismiss the petition as misfiled.¹⁰ Moreover, the record does not indicate that you served the petition on Standard Communications, as required by Section 1.106(f) of the Commission's Rules.¹¹ This also is grounds for dismissal.¹²

Even ignoring these infirmities, however, “[r]econsideration will not be granted to debate matters upon which the Commission has already deliberated and spoken.”¹³ A petition that simply reiterates arguments previously considered and rejected will be denied.¹⁴ We responded to these claims in our original decision, and you do not provide any new information for the record as to why the EPIRB does not meet the applicable requirements.

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration submitted by ACR Electronics, Inc. on May 1, 2007, IS DISMISSED.

⁷ Petition at 1.

⁸ 47 C.F.R. § 1.106(i).

⁹ 47 C.F.R. § 0.401; *see also* 47 C.F.R. § 1.7 (“documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission”).

¹⁰ *See, e.g.,* Thomas K. Kurian, *Order on Further Reconsideration*, 22 FCC Rcd 13223, 13224 ¶ 3 (WTB MD 2007) (*Kurian*).

¹¹ 47 C.F.R. § 1.106(f).

¹² *See, e.g., Kurian*, 22 FCC Rcd at 13224 ¶ 3.

¹³ *WWIZ, Inc., Memorandum Opinion and Order*, 37 F.C.C. 685, 686 (1964), *aff'd sub. nom* Lorain Journal Co. v. FCC, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966); *see also, e.g.,* William L. Carroll, *Memorandum Opinion and Order*, 8 FCC Rcd 6279 (1993).

¹⁴ *See, e.g.,* Letter dated April 26, 2007 from Peter H. Doyle, Chief, Audio Division, Media Bureau to Mr. Martin L. Hensley, 22 FCC Rcd 7575, 7576 (MB AD 2007).

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

cc: Standard Communications Pty. Ltd.
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AUSTRALIA
Attn: Craig John Duncan, Project Engineering Manager